

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

DONNA L. ELWELL

PLAINTIFF

V. CASE NO.: 3:15CV00116 BSM/BD

**CAROLYN W. COLVIN, Acting Commissioner,
Social Security Administration**

DEFENDANT

RECOMMENDED DISPOSITION

I. Procedures for Filing Objections

The following Recommended Disposition (“Recommendation”) has been sent to Chief United States District Judge Brian S. Miller. Ms. Elwell – or any party – may file written objections with the Clerk of Court within fourteen (14) days of the date of this Recommendation. Objections must be specific and must include the factual or legal basis for the objection. An objection to a factual finding must identify the finding of fact believed to be wrong and describe the evidence that supports that belief.

By not objecting, parties may jeopardize any right to appeal questions of fact. And, if no objections are filed, Judge Miller can adopt this Recommendation without independently reviewing the record.

II. Discussion

The Commissioner has moved to dismiss Plaintiff Donna Lee Elwell’s action seeking review of the denial of disability benefits. (Docket entry #6) The motion is based on the untimely filing of Ms. Elwell’s complaint. (#6)

Ms. Elwell does not oppose the Commissioner's motion to dismiss. (#7) Because Ms. Elwell does not oppose the motion, and because her complaint is untimely, Judge Miller should GRANT the Commissioner's motion (#6) and DISMISS Ms. Elwell's complaint, without prejudice.

III. Conclusion

The Court recommends that Judge Miller GRANT the Commissioner's motion (#6) and DISMISS this action, without prejudice.

DATED this 21st day of July, 2015.



UNITED STATES MAGISTRATE JUDGE